

REMARKS

This office action is responsive to the Remarks/Arguments filed June 9, 2006. Claims 1-46 are pending and presently under consideration.

Claim Rejections - 35 USC § 103

Claims 1-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yarmey et al. (U.S. Patent No. 5,972,591), for the reason of record, the Examiner contending that it would have been obvious to one of ordinary skill in the requisite art at the time the invention was made to utilize a polymer that falls within the structural formula disclosed in Yarmey et al. which meets the molecular weight requirement of the instant invention, with reasonable expectations of achieving, absent object evidence to the contrary, the advantages taught therein. Reconsideration of this rejection is again respectfully requested.

Response to Arguments

The Examiner states that Applicant's arguments filed June 9, 2006 have been fully considered but they are not persuasive. In essence, the Examiner disagrees with the Applicants' position that the experimental results provided in the specification provide evidence to illustrate the photographic advantages achieved with the inventive color photographic element containing a polymer inclusive of the instant Formula P-1 AND having an average molecular weight of less than 300,000 (specifically, with respect to Table 1 and Example 1), "Since the molecular weight of the comparative polymer is not defined herein the specification, the impact cannot be ascertained, nor a proper comparison made."

The Examiner's attention is respectfully directed, however, towards the statement on page 32, lines 18-22, that the comparative film 101 contained a high molecular weight version of polymer P-1 as a thickening agent as taught by Yarney et al. in U.S. Pat. No. 5,972,591. Page 9, lines 7-17 of the specification explain that Yarney et al. specify that the useful molecular weight range for the thickening agent polymers is between about 400,000 and 1,000,000. Page 10, lines 6-10 of the present specification further explain that the polymers employed in the present invention having a molecular weight of less than about 300,000 are lower molecular weight relative to the higher molecular weight polymers specified by Yarney et al. Accordingly, it is clear from such

combination of cited passages of the specification that the "high molecular weight version" referenced at page 32, lines 18-19 is a higher molecular weight polymer having a molecular weight between 400,000 and 1,000,000 as taught by Yarney et al, and that such comparative polymer accordingly enables a proper comparison relative to the teachings of Yarney et al.

As previously explained, Yarney et al only teach the use of the high molecular weight polymers as thickening agents. Yarney et al. specifically states at col. 6, lines 1-10 that the molecular weight may be adjusted to provide optimum performance (i.e., as a thickener in accordance with the invention described therein), and that the preferred molecular weight range is about 600,000 to 1,000,000 for utilization in combination with a hardener. Yarney et al does not teach any other benefit such as the improved photographic speed benefit taught by Applicants in the instant application. As the lower molecular weight polymers employed in accordance with the present invention are outside the typical and preferred ranges of molecular weight taught by Yarney et al for the polymers employed therein as thickening agents, use of such lower molecular weight polymer would not be suggested by Yarney et al., and it accordingly would not have been obvious to employ lower molecular weight polymers for any reason, let alone so to obtain the unexpected improved photographic speed benefit taught by Applicants in the instant application.

In view of the foregoing remarks, reconsideration of this patent application is respectfully requested. A prompt and favorable action by the Examiner is earnestly solicited. Should the Examiner believe any remaining issues may be resolved via a telephone interview, the Examiner is encouraged to contact Applicants' representative at the number below to discuss such issues.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.